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DECLARATION OF MARGOT SIMON IN SUPPORT OF PLAINTIFF'S MOTION FOR
CLASS CERTIFICATION ORAL ARGUMENT REQUESTED

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

DON'T SHOOT PORTLAND, et al.

Plaintiffs

v.

CITY OF PORTLAND, a municipal
corporation,

Defendant.

Case No. 3:20-cv-00917-HZ

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I, Margot Simon, declare as follows pursuant to 28 USC § 1746:

1. I have personal knowledge of the information contained in this declaration. If called upon to do so, I could and would competently testify regarding the matters set forth herein.
2. I recently changed my legal name. My legal name during the protests was Breanna Eberlein Simon. I am 23 years old and identify as a white female. I live in Portland, Oregon.
3. I very much believe that we have a personal duty to do what we can when we see injustice and when things are not as they should be. I think the way the police behave is bad for our community. When I was younger, I wanted to be a person who did what was right even if it was hard. I knew protesting was the right thing to do and I am not an aggravator or instigator. There was really an impeccable sense of community at the protests. I was always impressed with how mutually loving it seemed to be among the protesters, there was so much kindness.

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4. I went to a protest on July 25th, 2020, which was one of the bigger ones. It was near the federal building and the Multnomah County Justice Center. I went with a couple of friends and we got there at about 10pm.

5. I didn't have a gas mask. Everyone was just kind of standing around and being present, there was no outward aggressiveness. Everyone was there to make a physical statement by being present. Some groups of people were chanting.

6. I was a bit further back and my mom was closer to the front. They started letting off tear gas before they declared it a riot. I know this because my mom is super sensitive and had to go to the back and vomit.

7. Around 11, 11:30pm the cops decided—I think just because of the time—that it was now a riot. Declaring a riot gives them the ability to start injuring people. To the best of my knowledge, the officers who used force against me were Portland Police Bureau, they were wearing uniforms that looked like PPB.

8. I could hear the flash bangs going off near me—they were very alarming, and I still have some ringing in my ears sometimes. I also have issues with loud noises now; I hate fireworks.

9. This was the night that the fence was pulled down. I watched people pull down the fence, but I wasn't physically participating in that. The crowd was packed in so tightly that you couldn't really get away. My goal was to leave once I started hearing shots and the fence came down but I couldn't figure out how to do that in a safe manner, you just have to move with the sway of the crowd until there's an opening.

10. As the fence was coming down the police were shooting rubber bullets. I was wearing a yellow hard hat to avoid the risk of brain damage. Because I had on a yellow helmet, I think they saw me as someone to aim at. There was a stranger standing next to me who held my hand and we

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crouched behind shields that people in front of us were holding as the police were coming towards us. They had on really dark uniforms, not the lighter camo ones like the feds, so I knew they were PPB.

11. Everyone was yelling, people were coughing and hacking around me. Right after the fence came down was when I was first hit with a rubber bullet in my lower left shin. Then I was hit in the right thigh near the knee and the left thigh too. It felt like a really hard sting and it put me in a state of shock. These didn't bruise, I think because they ricocheted off the ground first. I kept trying to move and get back, but everyone was packed in really tight.

12. The next rubber bullet shots that hit me were in the lower left forearm and one in my right bicep. Those felt like direct shots and left hematomas and they hurt a lot. The impact itself was really painful, I was sure it had broken skin.

13. Immediately after the rubber bullets the stranger who was holding my hand pulled me back and we crouched lower to the ground behind someone's shield because you could see the cops coming forward. Then there were a lot of pepper bullets that were shot—at least 15 that hit me. I could hear them breaking across my goggles and I remember them breaking across my cheeks, it felt like glass breaking across my face and I couldn't figure out what was happening. That left irritation on my skin. I stayed in the crouched position, trying not to be visible, swaying with the movements of the crowd. I didn't want to be hit by more rubber bullets. It seemed like the police were slowly advancing out in a line.

14. After the pepper bullets, a tear gas canister was thrown close to me and the stranger I was crouched with, about 5ft behind me and to the right. There were a ton of us crouching there and it landed between two people but no one had gloves to pick it up and get it out. It was sitting there just filling this tight space with gas and I couldn't breathe.

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15. It was so intense and it was this really sickly sweet taste in your nose and mouth. Everybody was yelling to get it off the ground. It felt like my lungs were trying to turn inside out. The stranger I was with said, "let's go," and she yelled at people to move and she helped me get out. Two street medics saw me gasping for air and carried me back into the park. By then the cops had gotten into the crowd and people had started to run. They were saying "this is a riot, go home." I left with my mom after that.

16. I ended up going to the doctor and they wrapped my arms because the bruise was so deep. I got my lungs x-rayed, too. I did ballet for 20 years so I was in great cardiovascular shape, but after this I couldn't go up my stairs without being out of breath.

17. After this incident I didn't want to go to protests anymore, partly because I couldn't run, and I just couldn't ensure that I would get out safely.

18. It was all really upsetting. It can be really frustrating to look around you and see your community being abused for doing something that is not wrong. People are allowed to protest, people are allowed to assemble, people are allowed to be upset.

19. I believe in the continued importance of the protests and would like to attend protests in the future. I worry that I will be injured again. Being repeatedly tear gassed and now being hit with munitions, I fear for my life and safety while protesting.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on January 7, 2022.


Margot B. Simon (Jan 7, 2022 14:17 PST)

Margot Simon

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